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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,103	01/19/2006	Masami Kondo	13372/16	6142
23838	7590	12/19/2007	EXAMINER	
KENYON & KENYON LLP 1500 K STREET N.W. SUITE 700 WASHINGTON, DC 20005			YOUNG, EDWIN	
			ART UNIT	PAPER NUMBER
			3681	
			MAIL DATE	DELIVERY MODE
			12/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/565,103

Applicant(s)

KONDO ET AL.

Examiner

Edwin A. Young

Art Unit

3681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>1/19/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is the first action on the merits for application 10/565,103. Receipt is acknowledged of the preliminary amendment filed 1/19/2006. Claims 1-20 are currently pending in this application.

Priority

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. PCT/JP04/10169, filed on 7/9/2007.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 1/19/2006 has been considered by the examiner.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4, 5, 7-9, 11, 12, 14-16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over YAMASHITA et al. (US 5,107,723) in view of SKUPINSKI et al. (US 2002/0187877 A1).

Regarding claims 1 and 8, YAMASHITA et al. discloses a shift control device (see Figs. 1-5) of an automatic transmission (12) transmitting power from an engine (10), said automatic transmission including a friction engagement element (14) that is

engaged in a drive position and disengaged in a non-drive position, an engagement pressure of said friction engagement element being controllable by direct pressure (see ABSTRACT), comprising detection means (22) for detecting a shift from said non-drive position to said drive position; detection means (24) for detecting an input revolution number to said automatic transmission; and control means (26) for starting engagement of said friction engagement element by direct pressure control in response to detection of said input revolution number being larger than a predefined threshold (see column 3, line 54 through column 4, line 65). However, YAMASHITA et al. does not disclose output means for outputting a command to execute an output lowering process of said engine to an engine control device in response to detection of the shift to said drive position.

SKUPINSKI et al. (US 2002/0187877 A1) discloses a shift control device of an automatic transmission comprising outputting means for outputting a command to execute an output lowering process of said engine to an engine control device in response to detection of the shift to said drive position (see ABSTRACT; paragraph [0013] and paragraph [0015]).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to incorporate the outputting means of SKUPINSKI et al. into the control device of YAMASHITA et al., thereby including into YAMASHITA et al. output means for outputting a command to execute an output lowering process of said engine to an engine control device in response to detection of the shift to said drive

position, in light of the teachings of SKUPINSKI et al., in order to minimize driveline disturbances (see SKUPINSKI et al.; paragraph [0002]).

Regarding claims 4 and 11, YAMASHITA et al., as modified by SKUPINSKI et al. above, disclose a shift control device of an automatic transmission including control means for starting engagement of said friction engagement element by direct pressure control after a lapse of a predetermined period of time following initiation of said output lowering process (see YAMASHITA et al., Fig. 3 (1005)).

Regarding claims 2, 5, 9 and 12, YAMASHITA et al. discloses means for controlling the engagement pressure using the direct pressure control to suppress transmission of the power by said friction engagement element in response to detection of the shift to said drive position (see Fig. 3).

Regarding claims 7, 14-16 and 18, YAMASHITA et al. discloses said drive position being a forward drive position, said non-drive position being a neutral position, and said friction engagement element being an input clutch (see Fig. 2 and ABSTRACT).

Claims 3, 6, 10, 13, 17, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over YAMASHITA et al. (US 5,107,723), as modified by SKUPINSKI et al. (US 2002/0187877 A1), as applied to claims 1, 4, 8 and 11 above, and further in view of WU et al. (US 2003/0036457 A1).

Regarding claims 3, 6, 10 and 13 YAMASHITA et al., as modified by SKUPINSKI et al., discloses the shift control device of claims 1, 4, 8 and 11 described in detail above, but does not disclose said predetermined revolution number being set based on

a heat absorption amount of said friction engagement element at the time of engagement.

WU et al. discloses a vehicle transmission system wherein clutch engagement is controlled based upon clutch temperature (see ABSTRACT and paragraph [0014]).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have the shift control device of YAMASHITA et al., as modified by SKUPINSKI et al., set the predetermined revolution number based on a heat absorption amount of said friction engagement element at the time of engagement, in light of the teachings of WU et al., in order to extend clutch life (see WU et al. ABSTRACT).

Regarding claims 17, 19 and 20, YAMASHITA et al. discloses said drive position being a forward drive position, said non-drive position being a neutral position, and said friction engagement element being an input clutch (see Fig. 2 and ABSTRACT).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edwin A. Young whose telephone number is 571-272-4781. The examiner can normally be reached on M-TH 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on 571-272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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EAY

Charles A. Marmoh 12/17/07

CHARLES A. MARMOH
SUPERVISORY PATENT EXAMINER

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